

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE

Elizabeth Juanita Campbell
J.P.E. H.

v.

Civil No. 07-cv-276-SM

Hooksett School District

O R D E R

In document no. 86, plaintiff moves to recuse the undersigned. Plaintiff says that I engaged in judicial misconduct, misrepresented her pleadings, usurped her constitutional rights and violated judicial canons to "cover" for Ms. Kincaid and Ms. Hewey, all in a Report and Recommendation which has been approved by the court. 28 U.S.C. § 455(a) provides that a "judge . . . of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned." Another relevant federal statute provides that

[w]henEVER a party to any proceeding in a district court makes and files a timely and sufficient affidavit that the judge before whom the matter is pending has a personal bias or prejudice against [her] in favor of any adverse party, such judge shall proceed no further therein, but another judge shall be assigned to hear such proceeding.

28 U.S.C. § 144. Plaintiff has filed a lengthy affidavit which demonstrates unhappiness but not impartiality. Nothing in the record or in any pleading filed or rulings made supports plaintiff's claim, and no reasonable person fully informed of the relevant facts would have reason to question my impartiality in this case. I find that the affidavit is insufficient. A judge has as strong a duty not to recuse when recusal is inappropriate as to recuse when it is. And, litigants cannot be permitted to engage in judge shopping simply by resort to baseless allegations of bias. The motion to recuse presented in document no. 86 is denied.

SO ORDERED.


James R. Muirhead
United States Magistrate Judge

Date: June 22, 2009

cc: Elizabeth Juanita Campbell, *pro se*
Jeanne M. Kincaid, Esq.
Melissa A. Hewey, Esq.